

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33200 of 2021**

Arising Out of PS. Case No.-96 Year-2020 Thana- LODIPUR District- Bhagalpur

KOMAL DEVI, W/O LATE SULENDRA YADAV, R/o village- Bishanpur,
Jichcho, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-09-2021 Heard learned counsel for the petitioner and Mr.
Ashok Kumar Singh, learned A.P.P. for the State.

Earlier on 21.08.2021 while granting provisional bail
to the petitioner, this Court has passed the following order:-

“Learned counsel for the petitioner
undertakes to remove all the defects as pointed out by
office within four weeks after start of normal
functioning of the Court.

Heard learned counsel for the petitioner and
Mr. Ashok Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking
regular bail in connection with Lodipur P.S. Case No.
96 of 2020 registered for the offences punishable under
Sections 452, 307 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

This case has been taken up out of turn
when the matter was mentioned by the learned counsel



for the petitioner informing this Court that the petitioner is in jail with an eight months' old child in her lap.

At this stage, learned counsel for the petitioner submits that in the First Information Report which is based on the statement of the husband of this petitioner there is a categorical statement that he had not seen anybody firing upon him. He has stated that when he shouted and his wife also shouted and called her father-in-law and mother-in-law thereafter he became unconscious and then he was taken to the hospital for treatment where he was treated and discharged on 08.05.2020. He was brought to another Doctor from where he was discharged on 11.05.2020 and lastly he was treated at a nursing home where on 15.05.2020 the bullet was extracted.

Learned counsel further submits that from Annexure '3' which has given rise to Lodipur P.S. U.D. Case No. 08 of 2021 dated 08.09.2020 it would appear that when the husband of the petitioner died, his father informed the Officer In-charge of the police station that his son died in course of treatment, he was ill and then he requested for appropriate action. The dead body was brought from hospital on 08.09.2020.

Learned counsel further submits that thereafter the petitioner was being ill treated by her in-laws, therefore after about three months from the date of death of her husband she lodged an F.I.R. giving rise to Lodipur P.S. Case No. 231 of 2020 dated 15.12.2020 under Sections 341, 323 and 354 of the Indian Penal Code against her in-laws.



It is the submission of learned counsel for the petitioner that because of the case lodged by this petitioner against her in-laws, she has now been implicated in this case on mere submission.

Call for the carbon/xerox copy of the case diary of Lodipur P.S. Case No. 96 of 2020, Lodipur P.S. U.D. Case No. 08 of 2020 and Lodipur P.S. Case No. 231 of 2020 from the court of learned C.J.M.-IX, Bhagalpur.

In the meantime, let the petitioner be released on provisional bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M.-IX, Bhagalpur in connection with Lodipur P.S. Case No. 96 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

List this case on receipt of the case diaries or on 28.09.2021 whichever is earlier.”

Today, learned counsel for the petitioner has reiterated his submission.

Learned A.P.P. for the State has gone through the case diary and it is his submission that there was an information



through a spy that the petitioner had got some illicit relationship with one Balajee, however, in the case diary there is no material showing that this petitioner was ever seen with the said Balajee. The father of the deceased has later on made such allegations.

Considering the materials placed before this Court as recorded in the order dated 21.08.2021 and further that in the case diary there is no independent material coming to show *prima-facie* illicit relation of the petitioner and that because of the alleged occurrence, at this stage without going into much detail, this Court confirms the provisional bail granted to the petitioner.

Let the petitioner remain on bail on the same bail bond.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

